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**CHAPTER 315. EMPLOYMENT IN THE COMPETITIVE SERVICE****SECTION A. PROBATIONARY PERIOD FOR NONSUPERVISORY  
AND NONMANAGERIAL EMPLOYEES****1. SCOPE**

This section contains policies and procedures pertaining to the 1-year probationary period which is required of newly appointed VA employees in the competitive service. (See ch. 315, sec. B, this part, for managers and supervisors). It applies to all full-time, part-time, and intermittent VA employees in the competitive service. Certain employees outside the competitive service are also required to serve a 1-year trial period. Procedures regarding such trial periods are covered in MP-5, part I, chapter 302. Also excluded from this section are those positions excepted from the competitive service when filled by a particular group of persons such as Severely Handicapped, Student Employment Program participants, and those positions exempted under OPM Regulation 302.101(c).

NOTE: Term employees must also serve a 1-year trial period (5 CFR 316.304). During this period they are entitled to the same limited protection accorded probationers, as described in 5 CFR 315, Subpart H.

**2. POLICY**

The probationary period is the 1-year period of service required of new employees following a career or career-conditional appointment in the competitive service. This probationary period is required by 5 CFR Civil Service Rules, chapter 1, subchapter A, part 2, section 2.4. During the early months of employment with VA, employees should be given specific guidance and instructions to assist them in making a satisfactory adjustment to the work situation. Only those employees whose work performance, attitude, and conduct are determined to be fully satisfactory are to be retained beyond the probationary period.

**3. RESPONSIBILITIES**

a. Management is responsible for ensuring that supervisors fully understand their role in guiding and assisting new employees, as well as their obligation to inform employees of the requirements they should meet in order to complete the probationary period satisfactorily.

b. Supervisors are responsible for orienting employees to the work situation, for providing necessary training and for counseling and assisting employees in meeting the performance requirements of the job. Supervisors are also responsible for evaluating the performance, conduct, cooperativeness, attitude, and satisfactory adjustment to the job of new employees during the probationary period. They are also responsible for making the initial determination concerning whether an employee should be retained beyond the probationary period or should be separated because of failure to meet the requirements for retention in the position.

c. Probationary employees are responsible for demonstrating through their conduct and actual performance on the job that they should be retained beyond the probationary period.

d. The Human Resources Management Officer (HRM) is responsible for administering the probationary period program. This includes making follow-ups, establishing suspense dates, and providing advisory assistance to supervisors in discharging their responsibilities for probationary period of evaluations and appraisals, including meeting the requirements of any applicable negotiated agreement.

#### **4. BASIC REQUIREMENTS AND LENGTH OF PROBATIONARY PERIOD**

a. Employees in the competitive service are required to serve a 1-year probationary period. (See 5 CFR 315.)

b. An employee given a career or career-conditional appointment by selection from a certificate of eligibles is required to serve a probationary period. This applies not only to the first appointment of this kind, but to any subsequent career or career-conditional appointment by selection from a certificate of eligibles, regardless of whether the appointee had previously completed a probationary period. (5 CFR 315, subpart H). (Also see 5 CFR 315, subpart H, for applicability of the probationary period in other situations.)

#### **5. PLACEMENT FOLLOWUP**

After the employee has completed a minimum of 90 days in an assignment, an HRM office representative will make a follow-up contact with the employee's supervisor to make certain the evaluation provisions in paragraph 6, this part, are followed. The timing for such a contact will vary with the situation and will be determined by the Human Resources Management office. However, the initial follow-up contact should be completed no later than the end of the fifth month. The purpose of the contact is to determine whether the employee is making satisfactory progress toward full productivity, whether there is need for additional or special training, whether conduct and job adjustment are satisfactory, and whether the supervisor needs assistance of any kind with respect to the employee. The employee may also be contacted by the Human Resources Management office, particularly if there is an indication of poor adjustment or poor performance. More than one follow-up may be necessary, depending on the nature and complexity of the position. The follow-up form, SF-52, Notice of Pending Personnel Action, (or any other appropriate form developed by VA Central Office), will be annotated to show that the follow-up was made with the employee's supervisor, and only significant results will be recorded.

#### **6. EVALUATION DURING PROBATIONARY PERIOD**

The probationary period is an important part of the examining procedure and is considered to be an extension of the examining process. This is the period during which new employees are tested on the job for qualities and characteristics essential for satisfactory performance in the position. To ensure an objective evaluation period, supervisors must:

- a. Fully inform probationary employees what will be expected of them during the probationary period in terms of both conduct and on-the-job performance;
- b. Periodically inform the employees of their progress during the probationary period;
- c. Help employees to meet required conduct and performance standards through necessary training and guidance;
- d. Promptly take steps to terminate probationary employees who, after a fair and reasonable trial, do not meet the requirements for retention (see 5 CFR 315.804 for separations based on preemployment reasons); and
- e. No earlier than the beginning of the ninth month and no later than the end of the 10th month, a formal 10th month review and evaluation of each probationary period employee is to be completed. The follow-up notice and certificate will be generated by the PAID system approximately 45 days before the certification is due. This follow-up should be a realistic and well-reasoned appraisal. Each recommendation for retention should be based on a positive determination that the probationary employee has lived up to expectations and can reasonably be expected to continue to meet acceptable standards. (See MP-6, pt. V, supp. No. 1.5.) VA Form 5-4645, Request for Review of Employee's Probationary or Trial Period, must be used for this purpose.

## **7. SEPARATION OF EMPLOYEE DURING THE PROBATIONARY PERIOD**

- a. Supervisors should observe their employee's conduct, general character traits and performance closely during the probationary period. If it becomes apparent after a full and fair trial that an employee should not be retained, the supervisor will initiate action to separate the employee. Generally, last minute termination actions should be avoided. In those instances where a termination is to be effected near the end of a probationary period, the time frame for completion of the probationary period should be watched closely and the employee given the recommended notice period, unless it is administratively impossible to do so.
- b. When a separation during the probationary period is to be initiated for postappointment reasons, the employee will be given a written notice of the reasons for his/her separation and an explanation of his/her rights of appeal as described in 5 CFR 315. As a general rule, the probationer is given a minimum of 2 weeks notice of termination. (NOTE: Where to provisions of negotiated agreements contain different notice periods, such provisions apply during the time these agreements are in effect.)
- c. Where a separation is to be initiated for preemployment reasons (such as intentional falsification of application forms or other preappointment documents), the employee is entitled to an advance notice, a specific and detailed statement of the reasons, the right to reply, consideration of his/her reply, a decision, and information on his/her right to ask the MSPB (Merit Systems Protection Board) to review the procedures by which he/she was separated (see 5 CFR 315.805).

d. An employee terminated during the probationary period must be separated before the end of his/her tour of duty on the last day of probation which is the day before the anniversary date, "since separations are effective at midnight and probationary periods are completed at the end of a tour of duty"(5 CFR 315.804).

## **8. APPEALS**

The appeal rights in part 315, subpart H of the OPM Regulations extend only to employees occupying positions in the competitive service. (Instructions for the separation of trial period employees are contained in ch. 302, this part).

a. Employees separated for unsatisfactory performance or conduct after appointment (postappointment reasons) may appeal to the MSPB a separation not required by law when the employee allegation was: (1) based on partisan political reasons, reprisal or marital status; (2) based on race, color, religion, gender, national origin, mental or physical disability or age (provided that at the time of the alleged discriminatory action, the employee was at least 40 years of age) if such discrimination is raised in addition to number (1) above. Appeals of discrimination based solely on race, color, religion, gender, national origin, mental or physical disability, or age, are subject to EEOC (Equal Employment Opportunity Commission) regulations and should be filed with an EEO Counselor and processed in accordance with the VA's discrimination complaint procedures.

b. Employees separated for reasons based in whole or in part on their conduct before employment (preemployment reasons) may appeal to MSPB when they allege that their separation was: (1) procedurally defective; (2) based on partisan political reasons, reprisal or marital status; (3) based on race, color, religion, gender, national origin, mental or physical disability or age (provided that at the time of the alleged discriminatory action, the employee was at least 40 years of age), if the allegation of discrimination was raised in addition to number (1) or (2) above. Appeals of discrimination based solely on race, color, religion, gender, national origin, mental or physical disability or age are subject to EEOC regulations and should be filed with an EEO Counselor and in accordance with the VA's discrimination complaint procedures.

c. An appeal to MSPB may be filed at any time but not later than 30 calendar days after the separation has been effected (5 USC 7701). Discrimination complaints may be initiated at any time with the EEO Counselor, but not later than 45 calendar days after the date of removal (29 CFR 1614.105).

d. The MSPB regulations do not provide for review of the merit or sufficiency of the reasons for terminations during the probationary period.

e. MSPB regulations (pt. 1201, subpt. B, sec. 1201.21) require that employees who have appeal rights to the board must be provided with the following:

(1) Notice of the time limits for appealing to the board and the address of the appropriate board office for filing the appeal;

- (2) copy of the board's regulations;
- (3) A copy of the appeals form; and a
- (4) Notice of any applicable rights to a grievance procedure.

## **CHAPTER 315. EMPLOYMENT IN THE COMPETITIVE SERVICE**

### **SECTION B. PROBATIONARY PERIOD FOR FIRST-TIME MANAGERS AND SUPERVISORS IN THE COMPETITIVE SERVICE**

#### **1. SCOPE**

a. This section contains policies and procedures pertaining to the probationary period required of all first-time managers and supervisors in the competitive service.

b. This section does not apply to excepted service employment in the Veterans Health Administration under 38 U.S.C. ch. 73 and 74 or chapter 78 authorities. Also excluded are those positions excepted when filled by a particular group of persons such as Severely Handicapped, and those positions excepted under Civil Service Regulation 302.10(c).

#### **2. POLICY**

The success or failure of VA's mission of providing high quality health care and benefits programs for veterans is dependent, to a large extent, on the caliber of our supervisors and managers. Incumbents of these positions must possess unique skills and abilities which cannot readily be taught or developed in other kinds of positions. A probationary period provides the opportunity for assessing the new supervisor's or manager's performance on the job, and includes procedures for the return of such employees to nonsupervisory or nonmanagerial positions in instances where they fail to successfully complete the required probationary period. Generally, this probationary period is required for all those individuals whose initial assignment to a supervisory/managerial position occurred on or after August 11, 1979.

#### **3. AUTHORITY**

This requirement is established by section 303 of the Civil Service Reform Act of 1978 (PL 95-454), dated October 13, 1978, which amends Section 3321 of Title 5, U.S.C., and is implemented by Part 315, Subpart I of the civil service regulations.

#### **4. DEFINITIONS**

a. "Supervisory" and "managerial" positions have the meaning given them in OPM's (Office of Personnel Management) General Schedule Supervisory Guide, issued 4/93 (TS-123) for position classification.

b. For wage system positions, "supervisory positions" have the meaning given them in the OPM's Federal Wage System Job Grading Standard for Supervisors, issued 12/92 (TS-66).

c. A Part 315, Subpart H, probationary period means: The first year of service following appointment of an employee who has been given a career or career-conditional appointment in the

competitive service before competitive status is acquired. This probationary period is authorized under Civil Service Rule II, section 2.4.

d. A Part 315, Subpart I, probationary period means: The first year of service as a newly appointed supervisor or manager in the competitive service. This probationary period is authorized under Section 3321 of Title 5, U.S.C., as amended.

## **5. BASIC REQUIREMENTS AND LENGTH OF PROBATIONARY PERIOD**

a. The general requirement is that an employee must serve a 1-year probationary period upon initial assignment to a supervisory and/or managerial position. Exemptions and exceptions to this requirement are as follows:

(1) Employees who, as of August 11, 1979, were serving or had served in Federal civilian supervisory or managerial positions are exempt from this requirement. This means that a present or former supervisor is not subject to a probationary period for supervisors, and a present or former manager is not subject to a probationary period for either managers or supervisors. However, a present or former supervisor who is assigned to a managerial position on or after August 11, 1979, is subject to a probationary period for managers unless an exception is made under the provisions of subparagraph b below.

(2) The exemption from serving a probationary period in a supervisory or managerial position also applies to employees who, prior to August 11, 1979, served on a temporary assignment in a supervisory or managerial position, provided (a) they were officially assigned to the position (service while on a detail does not count) and (b) the temporary assignment was in excess of 120 days. Such individuals who served as supervisors, however, will be required to serve a probationary period upon initial assignment to a managerial position unless an exception is made under the provisions of subparagraph b below.

b. (1) Supervisors who have fulfilled a Subpart I probationary period requirement and are later placed in managerial positions without interruption of the period may be excepted from serving a probationary period of managers when justified on the basis of demonstrated performance and experience. When the Subpart I requirement has not been completed at the time a supervisor is placed in a managerial position without a break in service, the employee must serve a full probationary period in the managerial position, unless service as a supervisor is credited, as an exception, towards completion of the managerial probationary period. (NOTE: Where a supervisor has not completed the Subpart I supervisory probationary period at the time of placement in a managerial position without interruption of the period, the time spent in the supervisory probationary period may be credited towards completion of the managerial probationary period requirements under the criteria and procedures for exceptions described above.) A recommendation for an exception from the appropriate immediate higher level supervisor will be forwarded to the next higher managerial official for approval. The managerial candidate's composite qualifications must indicate possession of the necessary knowledges, skills, and abilities and that he/she has received supervisory and other appropriate training which will enable him/her to perform the duties successfully.



(2) Requests for such exceptions will be approved by the facility Director for decentralized positions. Exceptions for occupants of centralized positions and noncentralized positions in VA Central Office will be approved by the appropriate department or staff office head or designee, based on recommendations and certifications by appropriate program officials.

(3) Where a department/staff head directly supervises subordinate managers, the department/staff office head may approve such exceptions without higher level concurrence.

c. An employee whose initial appointment is to a position which is both supervisory and managerial is required to complete a single probationary period for a supervisor or manager.

d. If, upon appointment, a supervisory or managerial employee is required to serve concurrent probationary periods under Subpart H and I, Part 315, of the regulations, then the Subpart H probationary period takes precedence and the satisfactory completion of this probationary period fulfills the requirements.

e. (1) An employee serving a probationary period under Subpart H and subsequently assigned as a supervisor or manager must complete the remaining part of the Subpart H probationary period as well as the full 1-year probationary period established under the provisions of Subpart I for supervisors and managers.

(2) An employee serving a managerial or supervisory probationary period under Subpart I who is reassigned to another managerial or supervisory position before the completion of the probationary period will have the time spent in the prior position credited toward meeting the 1-year probationary period requirement.

(3) An employee who has completed a managerial probationary period and is later assigned to a supervisory position is not required to complete a new probationary period (5 CFR 315.904). However, when an employee serving in a managerial probationary period is assigned to a supervisory position before completing the managerial probationary period, the time spent in a managerial probationary period is creditable towards completion of the probationary period in the new supervisory position.

f. The following types of service are applicable towards meeting the probationary period requirements:

(1) Service by an employee on a temporary appointment, promotion or reassignment to a supervisory/managerial position on or after August 11, 1979 (except where exempt under the provisions in par. a(2) above), whose assignment later becomes permanent is creditable towards completion of the required probationary period in that position, provided:

(a) The temporary service is immediately prior to the permanent assignment and there is no break in service, and

(b) The individual was officially assigned to the position (time spent on detail to a position is not creditable).

(2) Absence in a nonpay status while on the rolls (other than absence because of compensable injury or military duty) is creditable up to a total of 22 workdays. Any nonpay time in excess of the total 22 workdays extends the probationary period by an equal amount.

(3) Absence (whether on or off the rolls) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration under 5 CFR Part 353 is creditable in full.

(4) A probationary period which is interrupted by intervening service in a nonmanagerial or nonsupervisory position or a break in service is not creditable toward completion of that or any subsequent probationary period. Following such an interruption or break in service, the individual must serve a completely new probationary period.

g. Completion of the probationary period is documented in the employee's OPF (Official Personnel Folder). VA Form 5-4645a, Request for Review of a Supervisory/Managerial Employee's Probationary Period, will be used for obtaining the supervisor's certification.

h. PAID reporting procedures for the supervisory/managerial probationary period are contained in VA Manual, MP-6, part V, supplement No. 1.5.

## **6. EVALUATION DURING PROBATIONARY PERIOD**

a. Performance of first-time supervisors/managers will be evaluated against written performance standards in effect at the time of entry into a position. These requirements will be developed using the principle of critical elements in conjunction with the performance appraisal system contained in MP-5, part I, chapter 430, and will include specific performance expected relating to equal employment opportunity responsibility. Written critical element identification and performance standards must be developed within 60 days following the assignment. After the employee has completed at least 4 months but not more than 6 months in the assignment, a placement followup will be conducted. In order to assess the employee's performance and adjustment in the job, the facility HRM office will conduct a placement followup. Where significant deficiencies are noted, the employee will be counseled and appropriate courses of action leading to desired improvement considered. The followup form, VA Form 5-97, Notice of Pending Personnel Action, normally will be annotated to show that the followup was made, and only significant results will be recorded. Employees will be kept informed by their immediate supervisors on a regular basis about their performance, their strengths, and areas in which improvement is needed or is a realistic goal for both the employee and the organization.

b. It is essential that these first-time supervisors/managers receive training, including EEO (Equal Employment Opportunity) training, which will equip them with those skills needed to help the organization accomplish its mission and allow them to discharge their individual responsibilities satisfactorily.

c. (1) The immediate supervisor of first-level supervisors/managers must forward through channels to the appropriate higher level supervisor (i.e., service/division chief, Director, [administration] or staff office head), normally no later than the end of the 10th month, a signed statement certifying that the performance of supervisory or managerial responsibilities of the individual has been found to be either satisfactory or unsatisfactory. Each certification must contain a positive recommendation as to whether the individual should be retained in the position beyond the probationary period. The appropriate higher level supervisor will either approve or disapprove the immediate supervisor's recommendation. Where disapproval is indicated, the basis for the decision must also be stated.

(2) If it is determined that the employee should not be retained in the position beyond the probationary period, the determination must indicate the specific performance standards not met which make the person unsuited for continued employment in the supervisory or managerial position.

(3) Satisfactory certifications will be filed on the left side of the employee's OPF.

## **7. FAILURE TO COMPLETE THE PROBATIONARY PERIOD SATISFACTORILY**

### **a. General**

(1) If, after a reasonable trial during the probationary period, the new supervisor's or manager's performance demonstrates supervisory or managerial deficiencies which make him or her unsuitable for continued employment in the position, action must be taken to remove the employee from the position. Such action should be taken as soon as these facts become apparent and in sufficient time for the probationer to be notified and removed from the position before the probationary period expires.

(2) When an employee serving under both Subpart H and I procedures fails to complete the Subpart H probationary period satisfactorily, action must be taken to separate the person under the Subpart H procedures.

(3) Employees who fail to complete the Subpart I probationary period required under 5 U.S.C. 3321 and are returned to nonsupervisory or nonmanagerial positions of no lower grade and pay than that previously held before the supervisory or managerial assignment do not become entitled to grade and pay retention as a result of these placements. However, employees who entered a supervisory or managerial position with grade and/or pay retention due to a previous personnel action do not lose the retention as a result of failure to complete the probationary period. For example, an employee who formerly held a GS-13 position is placed through reduction-in-force (RIF) procedures in a GS-11 position with grade and pay retention. Three months later the employee is placed in a GS-12 supervisory position. After 6 months in the GS-12 position, the employee fails the probationary period and is placed in a GS-11 position. The employee is still entitled to the 15-month balance of his 2 years of GS-13 grade retention.

(4) RIF procedures will not be used for assigning affected probationary employees to other positions.

(5) The return of an employee to a nonsupervisory or nonmanagerial position is not a basis for denying the employee consideration for subsequent assignment to other such positions.

b. Initiating and Approving Officials. The decision to remove an employee from a supervisory or managerial position will be initiated by the employee's immediate supervisor and approved by the next higher level supervisor.

c. Assignment Rights

(1) A nonsupervisory or nonmanagerial employee who is demoted into a position for which probation is required under Subpart I and who, for reasons of supervisory or managerial performance, does not satisfactorily complete the probationary period is entitled to be assigned to a position at the same grade and pay as the position in which he or she was serving probation. Such employees may also be considered for positions at or above their supervisory/managerial grade level under merit promotion procedures.

(2) Employees not covered in preceding paragraphs who do not satisfactorily complete the probationary period are entitled to be placed in a properly classified nonmanagerial or nonsupervisory probationary position of no higher grade and pay than that held before entry into the supervisory or managerial position.

(3) Normally, field facility employees will be returned to positions at their current facilities; Central Office employees, to positions in their present administration or staff office. When there is no suitable placement at his/her current facility for an employee occupying a centralized position, the employee will be relocated, at government expense, to another facility. Receiving stations will pay for the transfers to centralized positions; losing stations, for transfers to noncentralized positions.

d. Notice to Employees

(1) The written employee notice must include the following:

(a) the position to which the employee is to be assigned;

(b) the authority, 5 CFR 315.907, for the assignment;

(c) the performance-based reason(s) for the assignment;

(d) a statement that the assignment is not grievable or appealable except for allegation of discrimination; and

(e) the employee's right to request reconsideration of the decision (see par. 8 below).

(2) As a general rule, the probationer will be given from 15 to 30 days advance notice. However, the assignment must be effected before the completion date of the 1-year probationary period.

e. Effecting the Personnel Action

An action to reassign or demote an employee for not satisfactorily completing the probationary period must be documented in accordance with the requirements in OPM' Guide to Processing Personnel Actions.

## **8. RECONSIDERATION REQUESTS**

a. An employee being returned to a nonmanagerial or nonsupervisory position may request a reconsideration, based on the record, of the decision, and a review of the decision, and a review of the return action. The reconsideration will be done by the next higher supervisor or managerial official within the facility, staff office or department, above the person who made the determination under paragraph [7b]. If there is no "next higher" official, then the reconsideration will be done by the person making the paragraph [7b] determination. The affected employee may also request a meeting with the reconsideration official to discuss the matter in person if both are at the same location. If at different locations, the employee may discuss his/her request with the reconsideration official by telephone. The reconsideration request, citing the specific reasons the employee believes the action should not be taken, must be submitted within 10 calendar days following the written decision of the return action. The reviewing official will make the decision based on a complete review of the record, including any discussions with the employee, and notify the employee in writing within 30 calendar days following receipt of the employee's reconsideration request.

b. This reconsideration request will not postpone the effective date of the return action unless the higher level reviewing official grants an extension. In no case will an extension serve to retain such an employee in a position beyond the completion date of the probationary period. The proposed return action must be completed prior to the end of the probationary period.

NOTE: Under the provisions of the initial VA implementing instructions, actions which returned supervisory/managerial probationary employees to nonsupervisory or nonmanagerial positions of no lower grade and pay were grievable under the provisions of MP-5, part I, chapter 771. Employees serving in supervisory/managerial positions which required completion of a probationary period based on these initial implementing instructions may elect to grieve return actions under the provisions of MP-5, part I, chapter 771, or to request reconsideration of the return action decision under subparagraph a above. Employees placed in supervisory/managerial positions on or subsequent to the date of this issuance may only request reconsideration of the return action; i.e., they are not entitled to grieve the action under the provisions of MP-5, part I, chapter 771.

## **9. ADVERSE ACTIONS**

Actions against employees unrelated to supervisory or managerial performance are adverse actions which are covered by 5 CFR Part 752 or 5 CFR Part 432 and MP-5, part I, chapter 752. An action which is based on unacceptable performance, and involves reduction to the grade previously held by a supervisor or manager serving a probationary period required by 5 U.S.C. 3321(a)(2), is not covered by 5 CFR Part 432 and 752. An action which demotes an employee for reasons other than supervisory or managerial performance to a lower grade than the one the employee left to accept the supervisory or managerial position is governed by Part 752 procedures. Nothing in this part prohibits the agency from taking appropriate action against an employee who is serving a Part 315, Subpart H, probationary period required by 5 CFR 315.

## **10. APPEALS**

a. An action to return or reassign a supervisory/managerial probationary employee to a nonsupervisory or nonmanagerial position in accordance with the procedures in 5 CFR 315.908, is not appealable.

b. Employees alleging discrimination due to race, color, religion, sex, national origin, physical handicap or age in connection with such a return action may file a complaint in accordance with agency discrimination complaints procedures. Final agency action on such complaints is appealable to the EEOC (Equal Employment Opportunity Commission).

c. Allegations on discrimination based on material status or partisan political affiliation are appealable to the MSPB (Merit Systems Protection Board).

d. Agency actions in connection with the reassignment or return of an employee under 5 CFR 315 are not grievable under the provisions of MP-5, part I, chapter 771.

e. Applicability of the probationary period requirements will be determined by the agency. Employees who believe that they have served in a supervisory or managerial position as defined in paragraph 5 above and who wish to contest a determination that a probationary period is required by paragraph 5a above may grieve the agency's determination under the provisions of MP-5, part I, chapter 771. There is, however, no right to appeal such determination to the MSPB.

f. Employees serving in a probationary period under Subpart H provisions are subject to, the appeals procedures of Part 315, Subpart H, Section 315.806, while serving such a probationary period.